IN THE HIGH COURT OF HIMACHAL PRADESH SHIMLA:

CWP.No.356 of 2006.

Date of Decision :17.11.2006.

Sarswati Education & Cultural Trust …Petitioner.

Versus:

State of H.P. and another …Respondents.

Coram:

The Hon'ble Mr.Justice V.K. Gupta, Chief Justice.

The Hon'ble Mr.Justice Deepak Gupta, Judge.

Whether approved for reporting?[1]

For the petitioner: Mr. RamaKant Sharma, Advocate.

For Respondents. Mr.M.S.Chandel, Advocate General with Mr.J.K.Verma, Dy.Advocate General.

V.K. Gupta, C.J (Oral).

After hearing the learned counsel for the parties and on perusal of communication No. STV((IT)HF(7)-1/SCVT/2005-26318 dated 26th October, 2005 we find that the order passed by this Court on 14th September, 2005 in CWP.No.681 of 2005 was not at all implemented or complied with by the respondents. In this order this Court had clearly pointed out that the short comings should be pointed out and conveyed to the petitioner within two weeks from the date of the passing of the order and an opportunity be afforded to the petitioner to remove those pointed out short comings within next two weeks. It was only after this exercise was completed were the respondents entitled to take a final decision with respect to grant of

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[1] **Whether reporters of Local Papers may be allowed to see the judgment?**

affiliation to the petitioner for the additional courses or its refusal. A bare look at the communication dated 26th October, 2005 suggests that the respondents did not follow any of the aforesaid directions issued by this Court.

The communication dated 26th October, 2005 is accordingly quashed and set aside. Even though the respondents have not implemented the aforesaid order of this Court yet in the interest of justice we grant them one more opportunity to do so. We accordingly direct that within four weeks from today a fresh inspection of the petitioner's premises shall be carried out. Within two weeks thereafter the petitioner shall be conveyed the short comings and deficiencies, if any, along with a copy of the inspection report. It shall be for the petitioner to remove the short comings and deficiencies within a period of four weeks thereafter under intimation to the respondents. If the petitioner intimates to the respondents that he has removed the short comings and deficiencies the respondents may have the premises re-inspected and after satisfying themselves that indeed short comings and deficiencies have been removed, appropriate consequential action shall be taken in the matter within a period of four weeks thereafter. The writ petition stands disposed of accordingly.

CMP.No.552 of 2006.

In view of the disposal of the main petition, this application is also disposed of.

(V.K.Gupta),
Chief Justice.

(Deepak Gupta),
Judge.

November 17, 2006(R)